

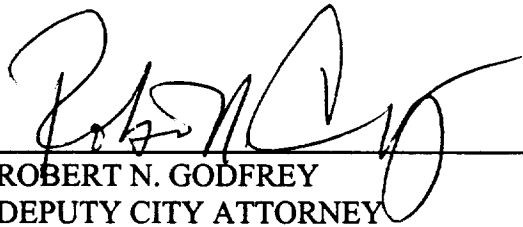
Entered - 09/03/97 - tew
CL97L0534 - DIANNE C. MITCHELL

CLAIM OF: **H. SADLER POE**
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

01-R-0027

For damages alleged to have been sustained as a result of an obnoxious odor resulting from raw sewage between April 1996 and April 1997 at Grant Valley Road and Valley Road.

THIS ADVERSED REPORT IS APPROVED

BY: 

ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0534

Date: December 27, 2000

Claimant /Victim H. SADLER POE

BY: (Atty) _____

Address: 1201 West Peachtree Street, Atlanta, Georgia 30309-3424

Subrogation: _____ Claim for Property damage \$ not stated Bodily Injury \$ _____

Date of Notice: 04/29/97 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 04/96 - 04/97 Place: Grant Valley Road and Valley Road

Department: Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property has been damaged due to an obnoxious odor due to raw sewage. However, the claimant has withdrawn his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager [Signature] Concur/date 12-28-00

Committee Action: _____ Council Action _____

*Sally +
Diane
Do we know
about this?
MCC*

May

ALSTON & BIRD LLP

MAY 06 1997 */N Mitchell* *8/22/97*

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

404-881-7000
Fax 404-881-7777

ENTERED - 9/3/97 - tew
97L0534 - DIANNE C. MITCHELL

Direct Dial 404-881-7564

Internet: spoe@alston.com

Deputy COO

IL Sadler Poe

April 28, 1997

Mayor Bill Campbell
City of Atlanta
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Re: Grant Valley Sewer Overflow Problem

Dear Mayor Campbell:

On Friday evening, April 25, I arrived home to find an overwhelming and obnoxious odor coming from my back yard. It turns out that it was raw sewage in Wolf Creek. I wrote to you about this same problem on August 19, 1996.

So far as I can tell, the problem is this: either the sewer lines are too small or there is insufficient enforcement of requirements that restaurants in the Shadowlawn basin properly clean their grease traps or perhaps there is yet another reason. The fact is this: for whatever reason, the sewer line becomes clogged. Quite naturally it backs up. When it backs up, it overflows, and the overflow follows the natural drainage pattern of the terrain. As a result raw sewage finds its way to a tributary of Wolf Creek which then crosses under Valley Road near its intersection with West Paces Ferry. After it crosses under Valley, it again becomes an open creek and roughly follows the path of Grant Valley Road. When Grant Valley approaches Valley near the back entrance to Peachtree Presbyterian, the creek veers to the west and goes under Valley Road again where it is carried in a culvert until it reaches Wolf Creek in the back yard of my neighbor, Mac Ralls (3475 Valley Road).

This is not only a nuisance, but it is also a health and an environmental hazard. The problem occurs with more frequency than I am willing to put up with.

April 28, 1997

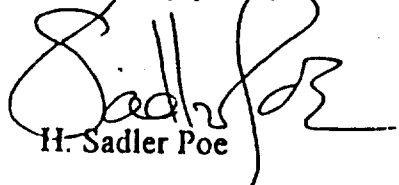
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When I wrote to you last year I received no reply. I then left you a voice mail saying that I was going to the Environmental Protection Agency, at which point there was a flurry of activity. I received phone calls from various City officials. Trucks were dispatched to survey the situation. Calls were made explaining how the county had cut back on inspection of grease traps but had not told the City, and so on and so on. There was even a suggestion that the neighbors themselves were the cause through use of garbage disposals in sinks.

So far as I can tell, nothing has been done to fix the problem. To make matters worse, I have heard of no plans to address the issue.

At this point, I do not want to hear any more explanations of why the problem exists unless they are accompanied by a detailed explanation of the City's plan to fix them and a timetable for accomplishing whatever remedial action is required. In view of the long history of this problem I do not think such a request is unreasonable. But just so there is no misunderstanding, I would like to have a written response from you detailing the City's plans and timetable. I would appreciate receiving your response by May 12, the date which is two weeks from the date of this letter.

Very truly yours,



H. Sadler Poe

HSP:jkr

cc: Mr. Tom Reagan — NO
Mr. Zach Wilson — NO
Mr. Mac Ralls — NO

[AD971180.017]

01-R-0027